NOTES OF CASES.

The Barren May Bear Fruit.—A most unusual basis for a new trial is developed in Anshutz *v.* Louisville Ry. Co., 154 Southwestern Reporter, 13, which may be either a reflection on the wisdom of the science of medicine and surgery or simply the prowess of woman to baffle all. In April, 1910, Lillian Anshutz, a young married woman 23 years of age, was injured while a passenger on a railroad car. At the time of the accident she was enceinte, and shortly thereafter there was born to her a boy baby. In April, 1911, she was taken to a hospital, where a serious operation was performed upon her, at which time it is shown by several physicians and surgeons who were present that there was removed from her body both Fallopian tubes, the whole of the left ovary, and part of the right ovary. Thereafter she sued the railroad company. Previous to the trial the court appointed a surgeon to examine the woman as to the nature and extent of her injuries. On the trial all the physicians and surgeons testified as to the nature of the operation, and, in addition, that by reason thereof Mrs. Anshutz was made barren and could never have another child. They further stated that there had developed a tumor in her abdomen, which would sooner or later necessitate still another, and possibly more serious, operation. The physician appointed by the court testified, in substance, to the same thing. The jury rendered a verdict for $7,000 for the plaintiff. Defendant asks for a new trial—for wonders will never cease: On the 3d day of June, 1912, Mrs. Anshutz gave birth to another boy baby. "Welcome, infant," saith the railroad company; "and now we should have a new trial, for it has been proven, out of court, that the woman is not barren and that what was said to be a tumor was in fact a fœtus, and, instead of a future operation which would endanger her life, nature has asserted itself and brought about the usual satisfactory results without permanent injury, notwithstanding it was proven otherwise in court, and must have had a controlling influence upon the jury in fixing the amount of the recovery." The Court of Appeals of Kentucky holds that the railroad company is entitled to a new trial because of this newly discovered evidence, in part saying: "No reflection is intended upon the physicians and surgeons who testified. Either there was some strange and unaccountable mistake, or one of those freakish things in nature has happened which are so rare as that they are said by scientific people to be impossible."

Constitutional Law—Municipal Corporations—Police Powers—Segregation of Races—Impairment of Obligation of Contract.—State *v.* Gurry (Court of Appeals of Maryland, Aug. 5, 1913), 88 Atl. Rep.